



Office of the Attorney General
State of Texas

DAN MORALES

ATTORNEY GENERAL

September 14, 1994

Ms. Linda Grau
Acting City Secretary
P.O. Box 478
Coppell, Texas 75019

OR94-550

Dear Ms. Grau:

You ask whether a certain interdepartmental memorandum prepared by a City of Coppell police officer is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27766. You contend the requested information is protected by section 552.108(b) of the Government Code.

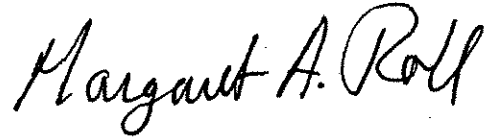
You received the initial request for this information from Mr. Arthur H. Kwast under the Open Records Act on June 28, 1994. You requested a decision from this office on July 18, 1994. Consequently, you failed to request a decision within the 10 days required by section 552.301(a) of the Government Code.

Section 552.301(a) requires a governmental body to release requested information or to request a decision from the attorney general within 10 days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within 10 days of receiving a request for information, the information at issue is presumed public. Gov't Code § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. See *Hancock* at 381.

You have not shown compelling reasons why the information at issue should be withheld from the public pursuant to section 552.108(b) of the Government Code. The information is presumed to be public and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/RWP/rho

Ref: ID# 27766

Enclosure: Submitted document

Mr. Lawrence J. Friedman
Friedman and Associates
570 Preston Commons West
8117 Preston Road
Dallas, Texas 75225
(w/o enclosure)

Mr. Arthur H. Kwast
P.O. Box 1397
Coppell, Texas 75019-1397
(w/o enclosure)